

UNITED STATES DISTRICT COURT
for the
MIDDLE DISTRICT OF TENNESSEE

U.S.A. vs. Joe Fuqua

Docket No. 0650 3:14CR00071 - 2

Petition for Action on Conditions of Pretrial Release

COMES NOW Daniel S Blackledge-White, PRETRIAL SERVICES OFFICER
presenting an official report upon the conduct of defendant Joe Fuqua
who was placed under pretrial release supervision by the Honorable Juliet E. Griffin, U.S. Magistrate Judge
sitting in the Court at Nashville, Tennessee, on May 05, 2014, under the following
conditions: Please reference the attached Order Setting Conditions of Release.

Respectfully presenting petition for action of Court and for cause as follows:
Please reference page two of this document.

I declare under penalty of perjury that the foregoing is true and correct.

<u>Daniel S Blackledge-White</u> U.S. Pretrial Services Officer	<u>Nashville, TN</u> Place:	<u>October 1, 2014</u> Date:
Next Scheduled Court Event	<u>Sentencing Hearing</u> Event	<u>December 05, 2014</u> Date

PETITIONING THE COURT

- | | |
|---|---|
| <input type="checkbox"/> No Action
<input type="checkbox"/> To Issue a Warrant | <input checked="" type="checkbox"/> To issue an order setting a hearing on the petition
<input type="checkbox"/> Other |
|---|---|

THE COURT ORDERS:

- ☐ No Action
☐ The Issuance of a Warrant.

☐ A Hearing on the Petition is set for

☐ Sealed Pending Warrant Execution

(cc: U.S. Probation and U.S. Marshals only)

☒ Other This matter is referred
to the Magistrate Judge to hold a hearing on the
petition.
Considered and ordered this 5 day
of Oct, 2014, and ordered filed
and made a part of the records in the above
case.

Date _____ Time _____

Todd Campbell
Honorable Todd J. Campbell
U.S. Magistrate Judge

Honorable Todd J. Campbell
U.S. District Judge
Petition for Action on
FUQUA, Joe
Case No. 3:14-00071-02
October 1, 2014

On May 5, 2014, Mr. Fuqua was arrested in this district and appeared before The Honorable Juliet E. Griffin, U.S. Magistrate Judge. The Government did not file a Motion for Detention, and the defendant was released from custody. At that time, it was discovered the defendant had an active warrant for his arrest for Theft Over \$1,000 in Sumner County, Tennessee (Case No. 1313328).

U.S. Magistrate Judge Griffin placed the defendant on pretrial supervision with conditions, and he was ordered to turn himself in on the warrant. The U.S. Marshals Service did not take custody of the defendant, and case agents transported the defendant from court to Gallatin, Tennessee.

On May 21, 2014, the defendant reported to the U.S. Probation and Pretrial Services Office, and his initial intake assessment was completed. Due to Mr. Fuqua's residency in the Western District of Kentucky, his supervision was transferred to that office. He is currently supervised by United States Probation Officer (USPO) Gerald Stephens.

On July 21, 2014, the defendant entered into a plea agreement. His sentencing hearing is scheduled for December 5, 2014, at 9:00 a.m.

Special Conditions of Release:

Please reference the attached Order Setting Conditions of Release.

VIOLATION(S):

Violation No. 1: Defendant may not change addresses or move without permission of the Court.

On September 25, 2014, USPO Stephens attempted to conduct a unannounced home contact. He spoke to the owner of the house, who confirmed the defendant had moved out over two weeks prior.

Violation No. 2: Defendant shall report to Pretrial Services as directed.

On September 15, 2014, Mr. Fuqua failed to contact the supervising officer via telephone as requested. Also, on September 26, 2014, the defendant failed to report in person as instructed.

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Violation No. 3: Defendant's travel is restricted to the Middle District of Tennessee and the Western District of Kentucky, unless he obtains prior approval from Pretrial Services.

On September 30, 2014, the defendant admitted to his supervising officer that he had traveled to Portland, Tennessee, for work purposes without obtaining prior permission.

Violation No. 4: Defendant shall refrain from the use or unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S.C. § 8002, unless prescribed by a licensed medical practitioner.

On September 30, 2014, the defendant reported to the U.S. Probation and Pretrial Services in Bowling Green, Kentucky, as directed. He submitted a urine sample which tested positive for marijuana and cocaine. Mr. Fuqua admitted that on September 29, 2014, he snorted three lines of cocaine and smoked a couple of "joints" while in the company of his friends. Defendant Fuqua also signed a sworn statement attesting to the aforementioned statements.

Violation No. 5: Defendant shall participate in a program of inpatient or outpatient substance abuse therapy and counseling if deemed appropriate by the Pretrial Services Officer, any inpatient treatment may be followed by up to 90 days in a halfway house.

Subsequent to his admission of use noted above, Mr. Fuqua refused the supervising officer's request to participate in inpatient substance abuse treatment. However, Mr. Fuqua agreed to participate in outpatient treatment through the Western District of Kentucky's drug and alcohol program provider.

Current Status of Case:

As previously noted, a sentencing hearing is set for December 5, 2014, at 9:00 a.m.

Probation Officer Actions:

Subsequent to the home visit attempted on September 25, 2014, Officer Stephens telephoned the defendant's mother to confirm he had moved with her to a residence in Franklin, Kentucky. The officer requested that the defendant's mother ask him to call the supervising officer. On September 26, 2014, after the defendant failed to report in person, the officer again telephoned the defendant's mother and requested a return phone call. On September 29, 2014, the officer requested that Mr. Fuqua's mother ask him to call his pretrial services officer.

On September 30, 2014, Officer Stephens traveled to the residence occupied by both the defendant and his mother. The defendant was not present, and the supervising officer requested that Mr.

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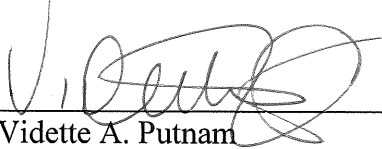
Fuqua's mother instruct the defendant to contact him.

The officer counseled the defendant, and Mr. Fuqua admitted he used the substances for which he tested positive. He also requested assistance in locating a men's recovery home. The officer verbally assisted the defendant in locating suitable housing. Also, the defendant was verbally reprimanded for failing to comply with all conditions of his pretrial supervision.

Respectfully Petitioning the Court as Follows:

Based upon the defendant's violations, it is respectfully recommended that the defendant be ordered to appear before the Court to show cause as to why his bond should not be revoked.

Approved:

A handwritten signature in dark ink, appearing to read "V. Putnam", is written over a horizontal line.

Vidette A. Putnam
Supervisory U.S. Probation Officer

xc: Michael J. Flanagan, Defense counsel
Bill Abely, II, Assistant U.S. Attorney

Enclosures

IN THE UNITED STATES DISTRICT COURT
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RELEASE ORDER AND CONDITIONS OF RELEASE

☒ Defendant is released on his/her own recognizance, no appearance bond shall be posted, and the following ~~statutorily required~~ standard conditions of release are hereby imposed:

☐ Defendant shall be released on a non-surety bond in the amount of _____, no security or monies shall be required for defendant to be released, and the following conditions of release are hereby imposed:

☐ Defendant shall be released on a non-surety bond in the amount of _____, cash in the amount of _____ shall be posted to the Clerk of Court, or such other security as listed below, and the following conditions of released are hereby imposed:

☐ Defendant shall be released on a surety bond as described below:

☐ Defendant shall remain on the conditions of supervised release that have been previously imposed by the District Judge. In addition, defendant shall abide by the following conditions:

WHILE ON RELEASE, I FULLY UNDERSTAND:

- 1) I may not change my address or move without permission of the Court. My correct address has been provided to Pretrial Services.
- 2) I must be in Court each and every time I am instructed to be there, and surrender to serve any sentence imposed.
- 3) I cannot intimidate or harass any witness, victim, informant, juror or officer of the Court; I cannot obstruct any criminal investigation.
- 4) I must not violate any local, state or federal law. If I do, I could be punished by as much as from 90 days to 10 years imprisonment in addition to the penalty provided for the offense committed.

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- 5) If I violate any condition of release, a warrant for my arrest could be issued, ~~any bond I signed may be forfeited~~, and new bonds with additional conditions, or my detention until trial, could be ordered by the Court, and I could be held in contempt of Court.
- 6) If I fail to appear at any proceeding in this case or I fail to surrender to serve any sentence imposed, I could be charged and convicted of bail jumping which is punishable by, in some cases, as much as 10 years imprisonment and/or a fine, in addition to any other punishments imposed in the original case.
- 7) This special condition or conditions:
1. JF Defendant shall report to Pretrial Services as directed
2. JF Defendant shall maintain or actively seek employment
3. JF Defendant's travel is restricted to the Middle District of Tennessee and the Western District of Kentucky, unless he obtains prior approval from Pretrial Services
4. JF Defendant shall not possess any firearm, ammunition, or other destructive device
5. JF Defendant shall refrain from the use or unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner

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6. Defendant shall submit to any method of testing required by the Pretrial Services Office for determining whether the defendant is using a prohibited substance, such methods may be used with random frequency and include urine testing, the wearing of a sweat patch, and/or any form of prohibited substance screening or testing

7. Defendant shall participate in a program of inpatient or outpatient substance abuse therapy and counseling if deemed appropriate by the Pretrial Services Officer, any inpatient treatment may be followed by up to 90 days in a halfway house

8. Defendant shall refrain from obstructing or attempting to obstruct or tamper, in any fashion, with the efficiency and accuracy of any prohibited substance testing which is required as a condition of release

9. Defendant shall report as soon as possible, within 48 hours, to the supervising officer, any contact with any law enforcement personnel, including, but not limited, to any arrest, questioning, or traffic stop

10. Defendant shall allow a Probation/Pretrial Services Officer to visit at any time at home or elsewhere and permit confiscation of any contraband observed in plain view

11. Defendant shall not obtain any passport or other international travel document

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12. ~~Defendant shall comply with any Order of Protection imposed in any state or local court.~~ *Jeff*

12. 13. ~~Defendant shall have no contact, directly or indirectly, with any potential victims or witnesses, including co-defendants, on pending charges except for Robert Trammel with whom he shall not communicate about this case.~~ *Jeff* *JB*

13. 14. ~~Defendant shall report to the nearest U.S. Probation and Pretrial Services Office upon his release from custody in either Simpson County, Kentucky, or Sumner County, Tennessee~~ *Jeff* *JB*

Joe Fuqua

I acknowledge I have read this Order. I understand that I will receive a copy of it and any Appearance Bond that the Court has ordered at the conclusion of this hearing.

Date: *May 5, 2014*

Joe Fuqua
Defendant

It is ORDERED that the conditions listed above are imposed. 18 U.S.C. § 3142.

William Ruff
UNITED STATES MAGISTRATE JUDGE

IN THE UNITED STATES DISTRICT COURT
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The **Middle District of Tennessee** consists of the following counties: Cannon, Cheatham, Clay, Cumberland, Davidson, DeKalb, Dickson, Fentress, Giles, Hickman, Houston, Humphreys, Jackson, Lawrence, Lewis, Macon, Marshall, Maury, Montgomery, Overton, Pickett, Putnam, Robertson, Rutherford, Smith, Stewart, Sumner, Trousdale, Wayne, White, Williamson and Wilson.

The following are pertinent Middle District of Tennessee numbers (Area Code 615):

U.S. Magistrate Judge Juliet Griffin	- 736-5164
U.S. Magistrate Judge Joe B. Brown	- 736-7052
U.S. Magistrate Judge E. Clifton Knowles	- 736-7347
U.S. Magistrate Judge John S. Bryant	- 736-5878
Clerk of Court	- 736-5498
U.S. Marshal	- 736-5417
U.S. Attorney	- 736-5151
U.S. Probation	- 736-5771
Federal Public Defender	- 736-5047

The United States District Court in **Nashville** is located in the United States Courthouse, 801 Broadway, at the corner of Eighth and Broad. The Court in **Cookeville** is located at 9 East Broad Street. The Court in **Columbia** is located at 816 South Garden Street.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
PROBATION OFFICE

ADMISSION/DENIAL REPORT
REPORT OF POSITIVE URINALYSIS

Name: Joe Augua Docket No. _____
Date Sample Taken: 9/30/14 PACTS No. 400447
Results of Urinalysis: Positive For: Cocaine & Marijuana

You are provided with written notice of a positive test result for a urine specimen submitted by you on the date indicated above. Use of prohibited substances (which includes drugs prescribed for someone other than you by a licensed physician) constitutes a violation of your release conditions. Positive test results, whether admitted or denied, are reported to the court and may result in a court hearing to determine if you are in violation of the conditions of your release. During this hearing you have the right to representation by counsel, and an attorney will be appointed for you if you cannot afford one.

I HAVE READ AND UNDERSTAND THIS NOTICE, AND I AM AWARE OF MY RIGHTS TO A HEARING.

Initial One:

- ☒ I admit to illegal use of a prohibited controlled substance as indicated by the above-reported urine test result.
- ☐ I deny illegal use of a prohibited controlled substance as indicated by the above-reported urine test result.

[Signature]
Signature of Client

[Signature]
Witnessed By

9-30-14
Date

9/30/14
Date

Comments:

Used on 9/26/14 w/ friends.
3 lines of Cocaine, Smoked a couple joints.